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2
3 BEFORE THE ARIZONA STATE BOARD OF
4 OSTEOPATHIC EXAMINERS IN MEDICINE AND SURGERY

5 In the Matter of:)
6 David P. Myers, D.O.) STIPULATION AND CONSENT
7 Holder of License No. 1575) ORDER FOR PROBATION AND
8 For the practice of) REHABILITATION
9 Osteopathic Medicine in the) Case #1761
10 State of Arizona)
11 _____)

12
13 STIPULATION

14 By mutual agreement and understanding, the Arizona State
15 Board of Osteopathic Examiners ("Board") and David P. Myers, D.O.
16 (hereinafter "Respondent"), the parties hereto agree to the
17 following disposition of this matter.

18 1. Respondent acknowledges that he has read this
19 Stipulation and the attached Stipulated Consent Order; and,
20 Respondent is aware of and understands the content of these
21 documents.

22 2. Respondent understands that by entering into this
23 Stipulation, he voluntarily relinquishes any rights to a hearing on
24 the matters alleged as ground for Board action or to seek judicial
25 review of the consent order in state or federal court.

26 3. Respondent understands that this Stipulation and
27 Order will not become effective unless approved by this Board and
28 signed by its Executive Director.

29 4. Respondent further understands that this Stipulation
30 and Consent order, once approved and signed, shall constitute a
31 public record which may be disseminated as a formal action of the

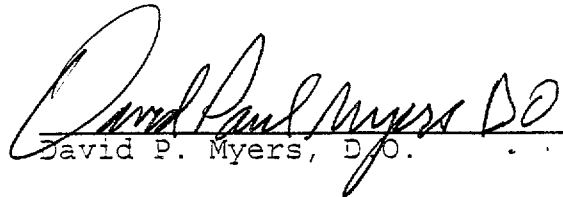
1 Board.

2 5. Respondent admits to the facts and consents to all
3 the terms contained in the Stipulated Order.

4 IT IS HEREBY STIPULATED AND AGREED that any violation of
5 said Board Order Constitutes unprofessional conduct within A.R.S.
6 § 32-1855.

7 REVIEWED AND ACCEPTED this 8th day of October,
8 1994.

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10
11 State OF Arizona)
12 County of Maricopa) ss


David P. Myers, D.O.

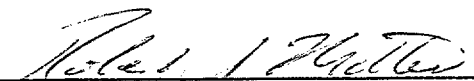
13 This instrument was acknowledged before me this 8th
14 day of OCTOBER, 1994 by the above-named individual.

15 Phyllis Lundy
NOTARY PUBLIC
(Print or type name hereunder)
Phyllis Lundy

16 My Commission Expires:

17 4/11/98

18 REVIEWED AND SIGNED this 9th day of October,
19 1994, for the Board by:

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21 
ROBERT J. MILLER, Ph.D.
Board Executive Director

22 2259A.1-2
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3 BEFORE THE ARIZONA STATE BOARD OF
4 OSTEOPATHIC EXAMINERS IN MEDICINE AND SURGERY

5 In the matter of:)
6 David P. Myers, D.O.) STIPULATED CONSENT
7 Holder of License No. 1575) ORDER FOR PROBATION
8 For the Practice of) Case #1761
9 osteopathic Medicine in the)
10 State of Arizona)
11 _____)

12 STATEMENT OF FACTS

13 Information was brought to the attention of the Arizona
14 Board of Osteopathic Examiners in Medicine and Surgery (hereinafter
15 "Board") during its meeting of September 9, and October 8, 1994
16 giving cause to believe that David P. Myers, D.O. (hereinafter,
17 "Respondent"), holder of license number 1575 for the practice of
18 osteopathic medicine and surgery in the State of Arizona, may be
19 physically and/or psychologically unable to safely and skillfully
20 engage in the practice of medicine and may have committed one or
21 more acts of unprofessional conduct as defined in A.R.S. § 32-1854.
22 Thereafter, in public session the Board voted to authorize the
23 Board's Executive Director to enter the following stipulated order
24 regarding Respondent.

25 CONCLUSIONS OF LAW

26 1. The Arizona State Board of Osteopathic Examiners has
27 jurisdiction over the person and subject matter presented by this
28 matter, pursuant to A.R.S. § 32-1800, et. seq.

2. The Board has the authority to enter into a
stipulated order pursuant to A.R.S. § 41-1061 (D) and § 32-1855.

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1. David P. Myers, D.O. is hereby authorized to resume the practice of osteopathic medicine and surgery in accordance with the terms and conditions set forth herein.

3. David P. Myers, D.O., shall participate in and successfully complete a rehabilitation program which shall include the following provisions:

B. Will take Antabuse daily for a period of two years, or until it is determined that this medication is no longer necessary by his treating physician;

D. Will attend 90 AA meetings during the 90 days immediately following completion of the out-patient program;

2

1 at least two times per month with Kevin Goetha-Chrysler, M.D.;

2 F. Will participate in counseling sessions with Richard
3 Reilly, D.O. at least two times per month;

4 G. Will consume no alcohol and will not use controlled
5 substances or prescription-only medications unless prescribed by a
6 licensed health care practitioner as part of a lawful course of
7 treatment.

8 H. Will make himself available upon receipt of
9 notification for the purpose of specimen collection for body fluid
10 testing on a random basis.

11 I. Will meet with the Board upon their request and
12 receipt of reasonable notification. Reasonable notification is
13 defined in this case to mean three business days.

14 4. David P. Myers, D.O. is hereby placed on probation
15 for a period of not less than five (5) years beginning with the
16 effective date of this order.

17 5. David P. Myers, D.O. is solely responsible for any
18 and all costs incurred in compliance with this order.

19 6. Violation of any of the terms or conditions of this
20 agreement constitutes an act of unprofessional conduct as defined
21 in A.R.S. §32-1854.26 and may subject the Respondent David P.
22 Myers, D.O., to disciplinary action as determined by the Board.

23 7. This stipulated order shall remain in force and
24 effect until modified or terminated by the Board.

25 ENTERED AND EFFECTIVE this 8th day of October,
26 1994.

by Robert J. Miller
ROBERT J. MILLER, Ph.D.
Executive Director
Arizona Board of Osteopathic
Examiners in Medicine and
Surgery

Hand delivered

Mailed by ~~U.S. Certified Mail~~
(~~return receipt requested~~) this
9th day of October, 1994, to:
(Insert name of Respondent/Doctor and address)

Mailed this _____ day of _____, 199_, to:
(if Doctor is represented by counsel, list
name and address for mailing)

(Insert name of Board Counsel also for mailing)

Mailed this _____ day of _____, 199_ to:
Michael I. Harrison
Assistant Attorney General &
Board Legal Counsel

2259A.3-6